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Dated: September 2, 2003

Signature:

Monica L. Thomas
(Monica L. Thomas)

Docket No.: HO-P02039US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tetsuo Ashizawa, et al.

Application No.: 09/942,336

Group Art Unit: 1637

Filed: August 29, 2001

Examiner: Strzelecka, T.E.

For: DNA TEST FOR SCA-10

DECLARATION UNDER 37 CFR §1.132

Dear Sir:

I, Tetsuo Ashizawa, Ph.D., do hereby depose and say as follows:

1. I am a Japanese citizen residing at 4300 Bay Area Blvd., #3527, Houston, TX 77058.

2. I was an employee of the assignee of the above-referenced patent application at the time of the invention, I am an inventor of said application, and I have read the contents of said application and the Office Action mailed July 23, 2003.

3. I am an Adjunct Professor of Neurology at Baylor College of Medicine. I am skilled in the area of autosomal dominant cerebellar ataxias and related methods and compositions. A curriculum vitae describing my experience is attached to this declaration.

4. The subject matter contained in the reference, Matsuura *et al.*, *Ann. Neurol.* Vol. 46, No. 3, September 1999, was published less than one year prior to the priority date of the application and was material derived and published by myself and the other inventor, Tohru Matsuura. The other authors in the reference were merely working under the direction of myself and Dr. Matsuura.

Application No.: 09/517,981

Docket No.: HQ-P01952US0

5. I hereby declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: August 20, 2003

Tetsuo Ashizawa
Tetsuo Ashizawa